

2011 DRAFTING REQUEST

Bill

Received: 08/24/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jon Richards (608) 266-0650

By/Representing: Christian Moran

May Contact:

Drafter: tkuczens

Subject: Courts - torts

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Richards@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Punitive damages

Instructions:

Undo 2011 Act 2 restrictions on punitive damages

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 08/24/2011 tkuczens 08/25/2011			_____			
/P1		chanaman 08/26/2011 jdye 09/07/2011	jfrantze 08/26/2011	_____	ggodwin 08/26/2011		
/1			jfrantze	_____	lparisi	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			09/07/2011 _____		09/07/2011	12/15/2011	

FE Sent For:

None

<END>

2011 DRAFTING REQUEST

Bill

Received: **08/24/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **Donna Seidel (608) 266-0654**

By/Representing:

May Contact:

Drafter: **tkuczens**

Subject: **Courts - torts**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Seidel@legis.wisconsin.gov**

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

09/07/2011 _____ 09/07/2011

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Received By: phurley

Wanted: As time permits

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For: Donna Seidel (608) 266-0654

By/Representing:

May Contact:

Drafter: tkuczens

Subject: Courts - torts

Addl. Drafters:

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/P1		chanaman 08/26/2011	jfrantze 08/26/2011		ggodwin 08/26/2011		

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For: Donna Seidel (608) 266-0654

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/?	phurley			8/26			

FE Sent For:

<END>

Kuczenski, Tracy

From: Hurley, Peggy

Sent: Wednesday, August 24, 2011 11:58 AM

To: Kuczenski, Tracy

Subject: Act 2 punitive damages

I received a request from Donna Seidel's office to undo the Act 2 provisions regarding punitive damages. I entered the request before I remembered that you drafted those provisions; do you want this draft? I can forward it to you and let Rep. Seidel's office know that you'll be the drafter.

Peggy Hurley
Legislative Reference Bureau
608 266 8906

8/25/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-27212 P1
TKK-J....
cmt LMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 8/24/11

1 **AN ACT** ...; relating to: awards of punitive damages.

Analysis by the Legislative Reference Bureau

Under current law, a person injured by a negligent person can recover the damages resulting from the injury. Damages include economic damages, such as the injured person's medical costs, and noneconomic damages, such as compensation or pain and suffering. In addition, under current law, the plaintiff may recover punitive damages if he or she can prove that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff. Current law limits the amount of punitive damages that may be awarded to twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater. The limitation on damages does not apply if the conduct of the defendant included the operation of a vehicle, including a motor vehicle, a snowmobile, an all-terrain vehicle, and a boat, while under the influence of an intoxicant to a degree that rendered the defendant incapable of safe operation of the vehicle.

The bill eliminates the limitation on the amount of punitive damages that may be awarded to a plaintiff.

~~STET~~ STET no change

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 895.043 (6) of the statutes, as created by 2011 Wisconsin Act 2, is repealed.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2721/PL1

TKK:cmh:jf

RMA112

SOON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

9/6/11

No changes

X

Reger

1 AN ACT *to repeal* 895.043 (6) of the statutes; **relating to:** awards of punitive
2 damages.

Analysis by the Legislative Reference Bureau

Under current law, a person injured by a negligent person can recover the damages resulting from the injury. Damages include economic damages, such as the injured person's medical costs, and noneconomic damages, such as compensation or pain and suffering. In addition, under current law, the plaintiff may recover punitive damages if he or she can prove that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff. Current law limits the amount of punitive damages that may be awarded to twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater. The limitation on damages does not apply if the conduct of the defendant included the operation of a vehicle, including a motor vehicle, a snowmobile, an all-terrain vehicle, and a boat, while under the influence of an intoxicant to a degree that rendered the defendant incapable of safe operation of the vehicle.

The bill eliminates the limitation on the amount of punitive damages that may be awarded to a plaintiff.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 895.043 (6) of the statutes, as created by 2011 Wisconsin Act 2, is
2 repealed.

3 (END)

Kuczenski, Tracy

From: Moran, Christian
Sent: Monday, December 05, 2011 4:12 PM
To: Kuczenski, Tracy; McKinny, Chris
Cc: Peterson, Eric
Subject: RE: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)
Yes, please change the requester to Rep. Richards. Thanks.

Christian T. Moran
Office of Representative Jon Richards
State Capitol, 118 North
Madison, WI 53708
608-266-0650

From: Kuczenski, Tracy
Sent: Monday, December 05, 2011 4:11 PM
To: Moran, Christian; McKinny, Chris
Cc: Peterson, Eric
Subject: RE: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)

Hi Christian et al.

The LRB number for Sen. Taylor's companion bill is LRB-3584.

Christian and Chris – is it your intent that Rep. Richards becomes the author of LRB-2721 (that is, should I change the requester from Seidel to Richards?)

Thanks,
Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Moran, Christian
Sent: Monday, December 05, 2011 3:57 PM
To: McKinny, Chris
Cc: Kuczenski, Tracy; Peterson, Eric
Subject: FW: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)

Chris,

Could you please contact Tracy Kuczenski at LRB to give us permission to introduce the attached draft?

Thanks,

12/6/2011

Christian

From: Moran, Christian

Sent: Monday, December 05, 2011 1:00 PM

To: Kuczenski, Tracy

Cc: Peterson, Eric

Subject: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)

Hi Tracy,

Please draft a Senate companion of LRB-2721/1 for Senator Lena Taylor. This bill draft list the cap on awards for punitive damage claims. The contact in Sen. Taylor's office for this draft is Eric Peterson.

Any chance you could send me the LRB# for the Senate draft? Rep. Richards and Sen. Taylor will be sending out a co-sponsor memo tomorrow and I'd like to include that number if possible.

Thanks for your help.

-Christian

Christian T. Moran

Office of Representative Jon Richards

State Capitol, 118 North

Madison, WI 53708

608-266-0650

Kuczenski, Tracy

From: McKinny, Chris

Sent: Tuesday, December 06, 2011 8:59 AM

To: Kuczenski, Tracy

Subject: RE: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)

I'm sorry Tracy-I missed that email from Christian yesterday. Rep. Richards absolutely has permission to introduce the draft. Sorry about that!

Chris

From: Kuczenski, Tracy

Sent: Tuesday, December 06, 2011 8:57 AM

To: McKinny, Chris

Subject: RE: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)

Hi Chris –

Per LRB policy, I do need to hear from you on this request.

Thanks,
Tracy

Tracy K. Kuczenski

Legislative Attorney

Wisconsin Legislative Reference Bureau

tracy.kuczenski@legis.wisconsin.gov

(608) 266-9867

From: Moran, Christian

Sent: Monday, December 05, 2011 3:57 PM

To: McKinny, Chris

Cc: Kuczenski, Tracy; Peterson, Eric

Subject: FW: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)

Chris,

Could you please contact Tracy Kuczenski at LRB to give us permission to introduce the attached draft?

Thanks,

Christian

From: Moran, Christian

Sent: Monday, December 05, 2011 1:00 PM

To: Kuczenski, Tracy

Cc: Peterson, Eric

Subject: Request for Senate companion to LRB-2721/1 (lifting the punitives cap)

Hi Tracy,

Please draft a Senate companion of LRB-2721/1 for Senator Lena Taylor. This bill draft list the cap on awards for

12/6/2011

punitive damage claims. The contact in Sen. Taylor's office for this draft is Eric Peterson.

Any chance you could send me the LRB# for the Senate draft? Rep. Richards and Sen. Taylor will be sending out a co-sponsor memo tomorrow and I'd like to include that number if possible.

Thanks for your help.

-Christian

Christian T. Moran
Office of Representative Jon Richards
State Capitol, 118 North
Madison, WI 53708
608-266-0650

Barman, Mike

From: Moran, Christian
Sent: Thursday, December 15, 2011 12:17 PM
To: LRB.Legal
Subject: bill jacket requests

Please jacket the following for introduction in the Assembly by Rep. Jon Richards.

LRB-2721/1 relating to: awards of punitive damages.

LRB-3449/1 relating to: requiring certain medical loss ratios for health benefit plans.

Christian T. Moran
Office of Representative Jon Richards
State Capitol, 118 North
Madison, WI 53708
608-266-0650